

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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WILLIE McCRAY, # 183709
Petitioner,

V.S.

WILLIE THOMPSON, et al.,
Respondents.,

CASE NO: CV-1107-WKW

RESPONSE TO COURT'S ORDER

Comes now the Petitioner, Willie McCray, proceeding Pro-se and responds to this Court's Order entered June 19th, 2007, directing him to respond, and provide correspondence from the Alabama Court of Criminal Appeals, and the Alabama Supreme Court, with regard inquiries of Petitioner's Counsel filing an application for rehearing, and Petition for Writ of Certiorari

The Petitioner will show unto this Court as follows;

1). In the Petitioner's Traverse filed June 8, 2007 he attached documents showing that he had written the Alabama State Bar on several occasions for the Bar to compel **Joseph H. Lewis** to respond to the Petitioner, one letter was written to the Alabama State Bar on March 8, 2002; one written on March 28, 2002; and one written April 15, 2002, (**SEE TRAVERSE , AND ACCOMPAINIG EXHIBITS**);

2) The Petitioner received a response from the Alabama State Bar on April 9, 2002, where they are telling him that they (the Bar) was sending the Petitioner's letter to Attorney Joseph W. Lewis, (**A COPY OF THIS RESPONSE IS ATTACHED TO THIS MOTION AS EXHIBIT # 1**).

3). Also in the Traverse, the Petitioner submitted a copy of the letter dated May 12, 2002, that he wrote to the Alabama Court of Criminal appeals, inquiring as to the status of his Appeal

4). The Petitioner will submit the response that he received from the Alabama Court of Criminal Appeals, where they informed him that Attorney Joseph W. Lewis did-in-fact file an Application for rehearing, and the Application for rehearing was overruled by the Alabama Court of Criminal Appeals on December 21, 2001, approximately (5) five Months, after the Court had overruled the Application; **(SEE EXHIBIT # 2 ATTACHED HERETO).**

5) The Petitioner was not notified by his Appointed Counsel, Joseph W. Lewis, that he had filed the Rehearing, and was not notified that he had (14) fourteen days in which to file a Petition for Writ of Certiorari to the Alabama Supreme Court.

6), Petitioner is untrained or unschooled in the Law, and relied on Inmate Law Clerks to ASSIST him in writing letters to the Alabama State Bar, as well as to the Alabama Court of Criminal Appeals.

It is obvious from the Alabama Rules of Appellate Procedure, that once the Alabama court of Criminal appeals have overruled the Application for rehearing, a person only have (14) fourteen days in which to file a Petition for Writ of Certiorari in the Supreme Court of Alabama.

7). By the time Petitioner learned that his Rehearing had been overruled, the time had long expired, and it would have been fruitless to attempt to file into the Supreme Court.

8). Had the Petitioner been informed by his Appointed Counsel of the Court of Criminal Appeal's action, he would have filed into the Alabama Supreme Court, and it is hard to second guess how the Supreme Court would have ruled on this issue, or how long the Petition for Writ of Certiorari would have been under review by that Court;

Respectfully Submitted

Willie McCray
Willie McCray # 183709

CONCLUSION

For all of the reasons stated herein, this Pro-Se Petitioner respectfully request that this Honorable Court will allow this Petitioner to proceed on with his Petition for Writ of Habeas Corpus, or ask this Court to review this Petition on it merits.

Willie McCray
WILLIE McCRAY

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the parties listed below by placing a copy of same in the United States Maip properly addressed and postage Pre-Paid this 26 Day of June, 2007;

**STATE OF ALABAMA
OFFICE OF
ATTORNEY GENERAL
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130-0152**

Willie McCray
**Willie McCray # 183609
Elmore Correctional Facility
P.O.BOX 8
ELMORE, ALABAMA 36025**

Willie McGray
AIS 183709
Elmore Prison

P.O. Box 8

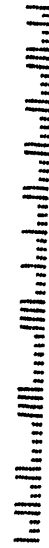
Elmore, Alabama 36025

MONTGOMERY AL 361
27 JUN 2007 PM 4 T



Office of The Clerk
United States District Court
P.O. Box 711
Montgomery, Alabama 36101-0711

36101+0711 8007





ALABAMA STATE BAR
THE DISCIPLINARY COMMISSION
TELEPHONE 334-269-1515
P.O. BOX 671
MONTGOMERY, AL 36101

FAX: 334/261-6311

DELIVERY ADDRESS:
415 DEXTER AVENUE
MONTGOMERY, AL 36104

April 9, 2002

Mr. Joseph Wayne Lewis
Attorney at Law
P.O. Box 536
Dothan, AL 36302-0536

RE: Transcript/Briefs/File Documents
Your Client: Willie C. McCray, AIS #183709
100 Warrior Lane
Bessemer, AL 35023-7299

Dear Mr. Lewis:

The Disciplinary Commission has received a complaint/letter from the above-referenced client contending that you will not forward to said client a copy of the client's trial court transcript, brief, and/or other documents in the client's file. A copy of said letter is enclosed for reference purposes. We have not opened a formal complaint file in this matter, but do request that you forward the requested documents to the client.

We have informed the client of this request. If, for any reason, you feel that your client is not entitled to the requested documents, please write us with this information so that we may pursue a resolution of this matter.

Sincerely,

J. Anthony McLain
General Counsel

JAM/kje

cc: Mr. Willie C. McCray

Court of Criminal Appeals
State of Alabama
Judicial Building, 300 Dexter Avenue
P. O. Box 301555
Montgomery, AL 36130-1555

May 15, 2002

H. W. "BUCKY" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
Fax (334) 242-4689

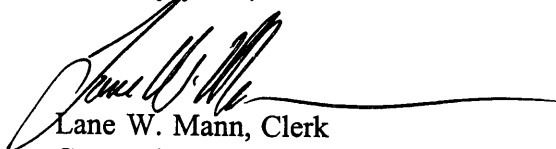
Mr. Willie C. McCray
AIS #183709
100 Warrior Lane
Bessemer, AL 35023-7299

RE: 00-0241
Willie C. McCray v. State

Dear Mr. McCray:

In response to your letter of inquiry, please be advised that Mr. Lewis did file an application for rehearing in the above styled cause. The application for rehearing was overruled on December 21, 2001.

Sincerely yours,


Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/jz

cc: Honorable Joseph W. Lewis
P. O. Box 536
Dothan, AL 36302

**THE STATE OF ALABAMA— JUDICIAL DEPARTMENT
THE COURT OF CRIMINAL APPEALS**

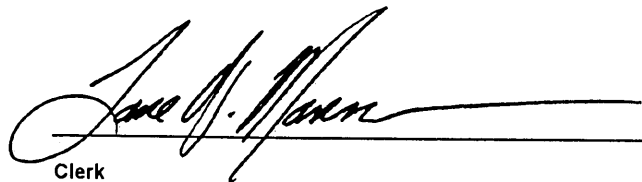
CERTIFICATE OF JUDGMENT

Criminal Appeals Case CR-00-0241

Willie C. McCray v. State of Alabama (Appeal from Houston Circuit Court: CC94-791; 792).

Whereas, the appeal in the above cause having been duly submitted and considered, it is now hereby certified that on the 21st day of November, 2001, the judgment of the court below was affirmed.

Witness, Lane W. Mann, Clerk,
Court of Criminal Appeals, this
8th day of January, 2002



Clerk
Court of Criminal Appeals
State of Alabama